

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Richmond Division**

**BENJAMIN MOSTAED, on behalf of  
himself and all others similarly  
situated,**

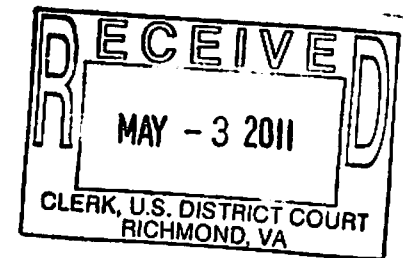
**Plaintiff,**

**v.**

**Civil Action No. 3:11-CV-079-REP**

**JAMES B. CRAWFORD,  
ROBERT H. FOGLESONG,  
RICHARD M. GABRYS,  
ROBERT B. HOLLAND, BOBBY  
R. INMAN, DAN R. MOORE,  
BAXTER F. PHILLIPS, JR.,  
STANLEY C. SUBOLESKI, LINDA  
J. WELTY, MASSEY ENERGY  
COMPANY, and ALPHA NATURAL  
RESOURCES, INC.,**

**Defendants.**



**AGREED ORDER**

WHEREAS on February 2, 2011, Plaintiff filed his Complaint (Docket No. 1). On April 4, 2011, Plaintiff filed an Amended Complaint (Docket No. 21). On April 11, 2011, Defendants filed their respective Answers to the initial Complaint (Docket Nos. 23, 24). The parties dispute whether the Amended Complaint was timely filed in accordance with the provisions of Fed. R. Civ. P. 15(a)(1), but such pleading could now be filed by Plaintiff as a matter of right under Fed. R. Civ. P. 15(a)(1)(B) due to the Defendants' filing of their Answers.

Hence, for good cause shown, and upon agreement of the parties, it is hereby ORDERED, ADJUDGED and DECREED that Plaintiff's Amended Complaint be and hereby is deemed filed as of the date of the entry of this Order. Defendants' responsive pleadings to the Amended Complaint shall be filed within twenty-one days from the date of the entry of this Order.

The Clerk is directed to send a copy of this Order to counsel of record.

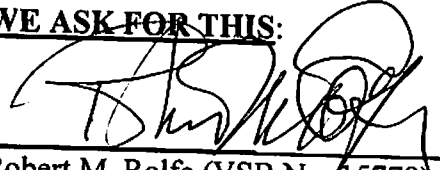
ENTERED this \_\_\_\_ day of April, 2011.

IT IS SO ORDERED.

Dated: ~~April~~ May 3, 2011

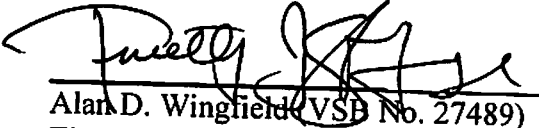
151 REP  
Hon. Robert E. Payne  
UNITED STATES DISTRICT JUDGE

**WE ASK FOR THIS:**




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